

### **REMARKS**

The Office Action of November 23, 2010, has been reviewed and these remarks are responsive thereto. Claims 2, 12, 13, 15, 16, 24, 27, and 28 were previously canceled without prejudice or disclaimer. No new matter has been added. Claims 1, 3-11, 14, 17-23, 25, 26, and 29-32 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Applicants submit that this paper is in condition for immediate entry, as it merely requires a cursory review on the part of the Office – *see, e.g.*, MPEP 714.13 (providing for entry of an after-final amendment where such an amendment only requires a cursory review on the part of the examiner). Specifically, and as discussed further below, the independent claims have been amended to incorporate features similar to those previously recited in claim 6 (and claim 20). The selected features taken from claim 6 (and claim 20) were rejected (under section 103) based on a document (U.S. publication no. 2002/0085540 to Hyvarinen et al. (“Hyvarinen”)) used to reject the independent claims. Thus, Applicants presume that the Office would use the same rationale in rejecting claim 6 (and claim 20) to reject the amended independent claims in the present paper.

### **Rejections under 35 U.S.C. § 112**

Claims 30-32 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description and enablement requirements. This rejection is traversed below.

The Office Action at pages 2-3 contends that the specification (at page 15, lines 24-29) fails to provide support for a load parameter based on a load associated with a downlink connection and the availability of spreading codes. The Office Action at page 3 further contends that the specification states that the load parameter is only for the uplink. Applicants disagree. The original specification (filed March 15, 2005) at page 13, lines 20-29 illustratively describes performing an availability verification of resources via a capacity formula for the uplink case, where a parameter  $\eta$  is defined identifying a cell load. The specification at page 14, lines 16-22 elaborates further that “[t]he solution *just described* is a purposely simplified example of control admission technique. In general the admission control techniques are more sophisticated since

they take into account for instance the load on the downlink connection and the availability of spreading codes . . .” (emphasis added). Thus, it is clear that the specification provides support for the inclusion of load on a downlink connection and availability of spreading codes in connection with the “just described” solution of performing an availability verification of resources via a capacity formula that calculates a load parameter  $\eta$ .

Applicants respectfully submit that the section 112, first paragraph rejections are based on an incomplete reading of the filed specification. When the specification is read as a whole (e.g., when pages 13 and 14 are read together), claims 30-32 are adequately supported. Based on the foregoing remarks, withdrawal of the section 112, first paragraph rejections is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 1, 8-9, 14, 23, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. publication no. 2002/0085540 to Hyvarinen et al. (“Hyvarinen”) in view of U.S. pat. no. 6,556,820 to Le et al. (“Le”), U.S. pat. no. 7313091 to Zuniga (“Zuniga”), and U.S. pat. no. 7,532,892 to Hoglund et al. (“Hoglund”). Claims 3-6 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga, and Hoglund in further view of U.S. pat. no. 6,044,091 to Kim (“Kim”).<sup>1</sup> Claims 7 and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga, Hoglund, and Kim, and in further view of U.S. pub. no. 2002/0160757 to Shavit et al. (“Shavit”). Claims 10-11 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga, and Hoglund, and in further view of U.S. pat. no. 7,283,550 to Duncan et al. (“Duncan”). These rejections are traversed below.

Independent claim 1 recites, among other features, “a first set of telecommunication services to be substantially provided through the second telecommunication system, wherein the first set of telecommunication services comprises services of a conversational class, and a second set of telecommunication services to be provided through the first telecommunication system and

---

<sup>1</sup> In the section 103 rejection of claims 6 and 20 at page 12 of the Office Action, the Office cites “Fenton” and “Almgren,” yet the enumeration of documents used to reject claims 6 and 20 at page 11 of the Office Action fails to include either Fenton or Almgren. Clarification is requested in the next communication.

the second telecommunication system . . . wherein the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services.”<sup>2</sup>

In rejecting claim 1, the Office Action at page 6 concedes that Hyvarinen fails to describe a first set of telecommunication services to be substantially provided through a second telecommunication system, a second set of telecommunication services to be provided through a first telecommunication system and the second telecommunication system, wherein the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services. The Office Action at page 7 provides the following analogies with respect to the above-noted features recited in claim 1:

<b>Claim 1 Feature</b>	<b>Office Action at page 7 analogizes to this entity/feature in Le</b>
first set of telecommunication services	image and data
second telecommunication system	3G
second set of telecommunication services	voice
first telecommunication system	2G

Even assuming (without admitting) that the analogies between the claim 1 features and the entities/features of Le shown in the table above would have been proper, Le fails to describe that the first set of telecommunication services to be substantially provided through the second telecommunication system comprises services of a conversational class (wherein the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services) because, as indicated at page 7 of the Office Action, Le at col. 1, lines 39-45 and col. 10, lines 35-35 describes providing voice over both 2G and 3G.

Notwithstanding whether a combination of Hyvarinen, Le, Zuniga, and Hoglund would have been proper, Zuniga and Hoglund fail to remedy the deficiencies of Hyvarinen and Le

---

<sup>2</sup> The amended features recited in claim 1 are similar to features previously recited in (amended) claim 6.

described above with respect to claim 1. Claim 1 is distinguishable from the applied art for at least the foregoing reasons.

Claims 14 and 29 recite features similar to those described above with respect to claim 1 and are distinguishable from the applied documents for at least reasons substantially similar to those discussed above.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, as any of the additional documents (e.g., Kim, Shavit, and Duncan) fail to remedy the deficiencies of Hyvarinen, Le, Zuniga, and Hoglund discussed above (notwithstanding whether any of the combinations of documents would have been proper).

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: February 23, 2011

By: /Mark E. Wilinski/  
Mark E. Wilinski  
Registration No. 63,230

1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001